

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JHONATAN MONDRAGON, JORGE  
YUMBATO CASTRO, JAVIER GONZALES  
CASTRO, URBANO GONZALEZ,  
JANISSHONG GARCIA, OSCAR TORRES,  
SERAFIN BLANCO VALLE, EMMA  
MOLINA, SYLVIA CASTRO, CLARIBEL  
CUELLAR, CARLOS JUAREZ RODRIGUEZ  
and FRANCO MALVACEDO,

**MEMORANDUM & ORDER**  
20-CV-3394 (PKC)

Plaintiffs,

- against -

BIZ2CREDIT, INC., FUNDING CIRCLE  
LIMITED, KABBAGE, INC., CELTIC BANK,  
BLUEVINE CAPITAL, INC., LENDIO, INC.,  
UNITED STATES SMALL BUSINESS  
ADMINISTRATION; JOVITA CARRANZA,  
*in her Official Capacity as Administrator of the  
Small Business Administration*; UNITED  
STATES DEPARTMENT OF TREASURY;  
and STEVEN T. MNUCHIN, *in his Official  
Capacity as Secretary of the Treasury*,

Defendants.

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PAMELA K. CHEN, United States District Judge:

“It is well established that in this Circuit the standard for an entry of a TRO is the same as for a preliminary injunction.” *Andino v. Fischer*, 555 F. Supp. 2d 418, 419 (S.D.N.Y. 2008).

In order to justify a preliminary injunction, a movant must demonstrate 1) irreparable harm absent injunctive relief; and 2) “either a likelihood of success on the merits, or a serious question going to the merits to make them a fair ground for trial, with a balance of hardships tipping decidedly in the plaintiff’s favor.”

*Allstate Ins. Co. v. Elzanaty*, 929 F. Supp. 2d 199, 217 (E.D.N.Y. 2013) (quoting *Metro. Taxicab Bd. of Trade v. City of New York*, 615 F.3d 152, 156 (2d Cir. 2010)). Because Plaintiffs in this action have not sufficiently shown a likelihood of success on the merits or a serious question going

to the merits, the Court denies what it construes as Plaintiffs' request for a temporary restraining order. However, the Court will hold a telephonic hearing on what it further construes as Plaintiffs' motion for preliminary injunction on Friday, August 14, 2020 at 10:00 a.m. Each party should call the following conference number: (888) 684-8852, and use access code: 7245547. The Clerk of Court is also respectfully directed to provide a copy of this Court's Order, as well as Plaintiffs' Complaint, Order to Show Cause, and Declaration, to the United States Attorney for the Eastern District of New York via email.

The Court also notes that multiple purported Plaintiffs have not signed the Complaint, and may not be represented by the *pro se* Plaintiffs who have. *See, e.g., Pridgen v. Andresen*, 113 F.3d 391, 393 (2d Cir. 1997) (“[A]pppearance *pro se* denotes (in law latin) appearance for one's self; so that a person ordinarily may not appear *pro se* in the cause of another person or entity.”). Should the remaining Plaintiffs wish to appear in advance of the August 14<sup>th</sup> hearing, they must submit an amended complaint signed by all Plaintiffs.

SO ORDERED.

/s/ Pamela K. Chen

Pamela K. Chen

United States District Judge

Dated: August 7, 2020  
Brooklyn, New York